

Petition for Appointment of Successor Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 86 years		CHRISTOPHER BARTON , friend, is petitioner and requests appointment as successor Conservator of the person and estate with bond set at \$20,966.46. Conservator Mary Ferguson died on 1/27/13.	NEEDS/PROBLEMS/COMMENTS: 1. Pursuant to Probate Code §2320 and California Rules of Court 7.207 bond should be set at \$103,106.00. 2. Need Conservatorship Video Viewing receipt. 3. Need Duties of Conservator. 4. Need Letters.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Estimated value of the estate: Personal property - \$77,833.12 <u>Annual income</u> - <u>\$16,900.00</u> Total - \$94,733.12 Petitioner states Elizabeth Ferguson was originally conserved in January 1967 "by reason of illness." Her sister Mary Ferguson remained as her conservator until her death in January 2013. Court Investigator Charlotte Bien recently interviewed Ms. Ferguson and noted Elizabeth was able to express her wishes about the conservatorship. Ms. Bien further recommended that the conservatorship appeared warranted.	
<input checked="" type="checkbox"/>	Aff.Mail		W/
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		X
<input type="checkbox"/>	Duties/Supp		X
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		X
<input checked="" type="checkbox"/>	CI Report		Court Investigator Charlotte Bien's Report filed on 5/29/13.
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: KT			
Reviewed on: 5/30/13			
Updates:			
Recommendation:			
File 1 – Ferguson			

DOD: 7/5/1999		<p>DALE BOLDEN, Administrator of the Estate of Odell Moultrie, surviving spouse, is petitioner.</p> <p>No other proceedings</p> <p>Decedent died intestate.</p> <p>Petitioner states all of the property in the petition was acquired during the marriage while the parties were legally married and domiciled in this state.</p> <p>Petitioner requests court confirmation that ½ interest in mineral, oil, gas and hydrocarbons rights in real property located in Fresno County belongs to her and ½ interest passes to her.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition does not allege that the property was acquired using community funds. If the property was acquired by gift or inheritance it would not be considered community property even though it was acquired during the marriage.</p>	
Cont. from 052213				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: KT</p> <p>Reviewed on: 5/300/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Moultrie</p>				

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)
 Atty Wright, Janet L., of Wright & Johnson (Court-appointed for Conservatee)

(1) Third Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 2620, 2623, 2640, 2942)

Age: 71 years	PUBLIC GUARDIAN , Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: If the <i>Petition</i> is granted, Court will set a status hearing as follows: <ul style="list-style-type: none"> Friday, August 7, 2015 at 9:00 a.m. in Dept. 303 for filing of the next account.
	Account period: 4/7/2011 – 4/5/2013	
Cont. from	Accounting - \$270,457.07	
Aff.Sub.Wit.	Beginning POH - \$252,976.84	
<input checked="" type="checkbox"/> Verified	Ending POH - \$177,131.53 (\$47,726.64 is cash)	
Inventory		
PTC	Conservator - \$2,977.12 (12.36 Deputy hours @ \$96/hr and 23.56 Staff hours @ \$76/hr)	
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/	Attorney - \$2,000.00 (less than \$2,500.00 allowed per Local Rule)	
Aff.Pub.		
Sp.Ntc.	Bond fee - \$299.04 (OK)	
Pers.Serv.		
Conf. Screen		
Letters	Petitioner prays for an Order:	
Duties/Supp	1. Approving, allowing and settling the Third Account;	
Objections	2. Authorizing the conservator and attorney fees and commissions; and	
Video Receipt	3. Authorizing payment of the bond fee.	
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 5/30/13
		Updates:
		Recommendation:
		File 3 – Klein

(1) Second Account Current and Report of Successor Conservator and (2) Petition
for Allowance of Compensation to Successor Conservator and Attorney

Age: 95		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 03/15/11 – 03/22/13	
		Accounting - \$89,978.75	
		Beginning POH - \$27,376.46	
		Ending POH - \$32,948.63	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620(c)	n/a	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Conservator - \$1,533.28 (7.00 staff hours @ \$76/hr. and 10.43 deputy hours @ \$96/hr.)	
		Attorney - \$1,250.00 (per Local Rule)	
		Bond fee - \$177.50 (ok)	
		Petitioner prays for an Order:	
		1. Approving, allowing and settling the second account;	
		2. Authorizing the conservator and attorney fees and commissions; and	
		3. Authorizing the payment of the bond fee.	
		Court Investigator Charlotte Bien filed a report on 03/12/13.	
			Reviewed by: JF
			Reviewed on: 05/30/13
			Updates:
			Recommendation:
			File 4 – Frantz

Cont. from
Aff.Sub.Wit.
Verified
Inventory
PTC
Not.Cred.
Notice of Hrg
Aff.Mail
Aff.Pub.
Sp.Ntc.
Pers.Serv.
Conf. Screen
Letters
Duties/Supp
Objections
Video Receipt
CI Report
9202
Order
Aff. Posting
Status Rpt
UCCJEA
Citation
FTB Notice

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR
Calendared in Error

Note: A Status hearing is set as follows:

- Friday, June 5, 2015** at 9:00 a.m. in Dept. 303 for filing of the 23rd account.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

Reviewed by: JF
Reviewed on: 05/30/13
Updates:
Recommendation:
File 5 – McDaniels

**Report of Sale and Petition for Order Confirming Sale of Real Property (Prob. C.
2540, 10308)**

DOD: 03/11/10		OWEN OVERTON , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Sale Price - \$400,000.00 (for 80% interest)	
		Overbid - \$420,500.00 (for 80% interest, overbid on 100% interest is \$525,500.00)	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Reappraisal - \$400,000.00 (for 80% interest)	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Property - 981 Pollasky Ave. Clovis, CA 93612	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Publication - Business Journal	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Buyer - Vector Holding, LLC	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Broker - \$20,000.00 (5% payable 50% to Brooks Ricken and 50% to Atlantic & Pacific Real Estate)	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	Petitioner was appointed with Full IAEA without bond.	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Petitioner states that 100% of the property is being sold for a total sales price of \$500,000.00.	
<input type="checkbox"/>	CI Report	Petitioner states that Ana Overton, surviving spouse of decedent, objected to the sale of property, however, she previously had been pressuring petitioner to quickly sell the property. It is unclear why she has changed her mind.	
<input type="checkbox"/>	9202	Petitioner states that he attempted to contact Ana Overton's attorney, Edward Ramirez, upon receiving her objection, but his phone calls have not been returned. Petitioner alleges that there is considerable conflict between Ana Overton and some of the issue of the decedent and it is therefore impractical for the property to be distributed in undivided interests. Petitioner believes that the property is being sold for the highest possible price under the existing market.	
<input checked="" type="checkbox"/>	Order		
<input checked="" type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF
Reviewed on: 05/30/13
Updates:
Recommendation:
File 6 – Overton

(1) First and Final Report of Status of Administration on Waiver of Account and (2) Petition for Determination of Entitlement to Estate Distribution, (3) Compensation to Attorney for Ordinary and Extraordinary Services, Compensation to Executor for Ordinary and Extraordinary Services, (4) Reimbursement of Costs, and (5) Final Distribution (Prob. C. 10954, 11700, 10810, 10811)

DOD: 12-16-08			JUDITH ELIA , Executor with Full IAEA without bond, is Petitioner. Accounting is waived. Corrected I&A: \$494,423.39 (Values confirmed by Probate Referee) POH: \$131,281.57 Executor (Statutory): \$12,348.47 Executor (Extraordinary): \$1,000.00 (for sale of real property, per local rule) Executor (Reimbursement for expenses advanced re conservatorship): \$5,295.00 Attorney (Statutory): \$12,348.47 Attorney (Extraordinary): \$2,700.00 (for services in connection with the sale of the real property, discounted from \$4,488.00 time spent per declaration) Attorney (Conservatorship): \$7,088.50 (for post-petition services associated with the conservatorship) (\$15,645.50 was previously authorized.) Costs: \$726.00 (reimburse to Executor for filing, appraisal, fees associated with the sale of the real property) Closing: \$3,000.00 Distribution pursuant to Decedent's will and with reference to preliminary distributions previously made: Missionary Gospel Fellowship: \$49,442.34 Timothy Paul Kantor: \$0.00 David Albert Kantor: \$5,000.00 Harriet Elizabeth Long: \$5,000.37 Judith Ann Elia: \$4,979.38	NEEDS/PROBLEMS/COMMENTS:
Cont. from 050113				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory	X		
✓	PTC			
✓	Not.Cred.			
N/A	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters	2-15-11		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202	X		
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			

Reviewed by: skc

Reviewed on: 6-3-13

Updates:

Recommendation:

File 7 - Kantor

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob.
C. 8002, 10450)

DOD: 03/08/2011		SHARON THOMAS , granddaughter is petitioner and requests appointment as Administrator with bond set at \$50,000.00.	NEEDS/PROBLEMS/COMMENTS:
			<u>OFF CALENDAR – Dismissal</u> <u>entered 5-30-13</u>
Cont. from 050113		Full IAEA – o.k.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory	Decedent died intestate.	
	PTC		
	Not.Cred.	Residence: Fresno	
		Publication: The Business Journal	
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.	Estimated value of the Estate:	
		Real property - \$50,000.00	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Probate Referee: Steven Diebert	
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 05/30/2013
			Updates:
			Recommendation:
			File 8 – Jones

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Nicole, 4		<p align="center"><u>TEMPORARY EXPIRES 06/05/13</u></p> <p>JOSEPHINE M. LONGORIA-CONTENTE, Paternal Grandmother, is Petitioner.</p> <p>Father: MATTHEW JOSEPH BELL - Consent & Waiver of Notice filed 04/15/13</p> <p>Mother: GENIA KAY CHERRY – Personally served on 04/10/13</p> <p>Paternal Grandfather: Michael Walter Bell Maternal Grandfather: Unknown Maternal Grandmother: Sherill Wyatt</p> <p>Half-Siblings: Arianna (11), Jaden Bell (9)</p> <p>Petitioner states the father is incarcerated. The minors resided with Petitioner from birth until approx. January 2010 and then again from June-November 2012, when the mother took them to Hayward, CA. From November 2012 until approx. three weeks ago, the mother and minors were homeless, living on the streets, in and out of a homeless shelter in the area. On or about 3-7-13, the mother abandoned the minors at the residence of her sister, Deanna Neal, in Lemoore, CA. On 3-28-13, Ms. Neal contacted Petitioner and requested she pick up the children.</p> <p>Petitioner states she is an appropriate guardian due to her lifelong bond with the children. She has always been involved and cared for their needs while they resided with her, and is prepared to do so as long as necessary.</p> <p>Court Investigator Jennifer Daniel filed a report on 05/29/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing for the hearing on 06/05/13 with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> - Maternal grandfather (unknown) <p>Note: Proof of service filed 06/03/13 lists several people to whom notice was mailed. It is unclear if this includes the maternal grandfather because his name is not stated in the Petition.</p>	
Aryah, 3				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: JF
Reviewed on: 05/30/13
Updates: 06/04/13
Recommendation:
File 9 – Bell

Atty Kruthers, Heather H. (for Public Guardian)

Atty Wright, Janet L. (Court appointed for proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)

Age: 74		TEMP (ESTATE ONLY) EXPIRES 5-15-13	NEEDS/PROBLEMS/COMMENTS:
		PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and Estate. Petitioner also requests authority to sell the proposed conservatee's former residence and retain the services of a licensed real estate broker to assist in the sale, and to sell personal property no longer needed by the Conservatee.	Note: On 5-15-13, conservatorship was granted and the request to sell property was continued to this date.
Cont. from 051513		Estimated Value of Estate: Personal property: \$ 8,293.00 Annual income: \$ 11,412.00 Real property: \$ 100,000.00 Total: \$ 119,705.00	Minute Order 5-15-13: The Court orders that counsel be appointed to represent Maxine Togo. The petition for appointment of conservator of the person and estate is granted. The request to sell real and personal property is continued to 6/5/13 and the order is interlineated in open court to reflect the change. The Court sets the matter for Status Hearing on 6/5/13. The Court orders that there be no sale of property without a noticed hearing. Continued to: 6/5/13 at 9 am in Dept. 303. Set on: 6/5/13 at 9 am in Dept. 303 for: Status Hearing. Petition is granted. Order signed before Court Trial.
	Aff.Sub.Wit.		
✓	Verified	Petitioner states Mrs. Togo is currently residing at a skilled nursing facility due to a recent stroke. She is unable to properly care for herself. She requires a wheelchair to ambulate and requires 24-hour skilled nursing care. She is unable to manage activities of daily living without assistance. Conservatorship of the Person is necessary to ensure her care.	
	Inventory		
	PTC	Petitioner states Conservatorship of her estate is also necessary because there appears to be confusion about her personal and financial affairs. Family members attempted to clean her home, but Mrs. Togo got upset with them. She allowed a friend and a "pastor" to drive her car, enter her home, and sell certain items. Some items were returned; however, some were sold. It was then learned that the pastor was convicted for false advertising, practicing medicine without a certificate, and selling medicine to treat and cure cancer. He is not a pastor, his father was, but he is using the title. Petitioner requests conservatorship of the estate to manage and protect Mrs. Togo's assets.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w	
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
SEE ADDITIONAL PAGES			

Page 2

Petitioner states Deputy Public Guardian Renee Garcia spoke with Mrs. Togo regarding the proposed sales. Mrs. Togo objected to the proposed sales because she planned on returning home. Ms. Garcia explained that based on her income, she could not afford to pay for 24-hour in-home care and continue to pay her monthly mortgage. Mrs. Togo stated she wanted to return home, and did not comment either way if she objected or was in favor of liquidating her assets. Petitioner states the proceeds will be used for the benefit of the Conservatee.

Court Investigator Jennifer Daniel filed a report on 5-8-13.

Note: The Court will set status hearings as follows:

- **Friday 10-11-13 for filing of Inventory and Appraisal**
- **Friday 10-10-14 for filing of First Account**

Atty Chiu, Henry Y., of Moss, Tucker, Chiu, Hebesha & Ward (for Petitioner Dawn Z. Power)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 7/14/2011		DAWN Z. POWER, surviving spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings.	
Cont. from		Will dated 6/29/2005 devises the residuary estate to Dawn Z. Power.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Will dated 6/29/2005 devises the residuary estate to Dawn Z. Power.

Petitioner states the assets are community property assets of the Decedent and Petitioner by reason of their acquisition during marriage pursuant to Probate Code § 28(a) and Family Code § 760; in addition, the Decedent bequeathed his interest in the property to Petitioner in Decedent's Will (*copy attached.*)

Petitioner requests:

1. Court determination that ½ interest in real property located on Lighthouse Drive in Fresno; ½ interest in real property on Starpas Drive in Fresno; and ½ interest in investment accounts passes to her; and
2. Court confirmation that ½ interest in the real property located on Lighthouse Drive in Fresno; ½ interest in real property on Starpas Drive in Fresno; and ½ interest in investment accounts belongs to her.

Reviewed by: LEG
Reviewed on: 5/30/13
Updates:
Recommendation: SUBMITTED
File 11 – Power

Atty Vindiola, Martina R. (pro per Petitioner/paternal grandmother)

Atty Rico, Ruth A. (pro per Competing Petitioner/non relative)

Atty Frayo-Vidal, Theresa (pro per maternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 9 years		TEMPORARY EXPIRES ON 6/5/2013		NEEDS/PROBLEMS/COMMENTS:	
		MARTINA VINDIOLA , paternal grandmother, is petitioner.		Continued from 5/8/2013. Minute order states the court modifies the previous order to reflect that Theresa Frayo Vidal and Jennifer McMaster may have visits with the minor as agreed upon by the guardian. As of 6/3/2013 the following issues remain: <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Jesse Vindiola (father) 3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Adrian Vindiola (paternal grandfather) b. Randy Vidal (maternal grandfather) c. Theresa Frayo-Vidal (maternal grandmother) 	
		Father: JESSE VINDIOLA			
		Mother: CHRISTINA QUINONES – deceased.			
		Paternal grandfather: Adrian Vindiola			
		Maternal grandfather: Randy Vidal			
		Maternal grandmother: Theresa Frayo Vidal.			
Cont. from 050813		Petitioner states father is currently in Fresno County Jail charged with assault with a firearm on a person. Father left the child with a person who sells drugs and has health problems. It is in the best interest of the child to be protected.			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	X			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT	
				Reviewed on: 6/3/2013	
				Updates:	
				Recommendation:	
				File 12A – Vindiola	

Atty Vindiola, Martina R. (pro per Competing Petitioner/paternal grandmother)

Atty Rico, Ruth A. (pro per Petitioner/non relative)

Atty Frayo-Vidal, Theresa (pro per maternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 9 years		TEMPORARY (granted to competing Petitioner Martina Vindiola) EXPIRES ON 6/5/2013 RUTH RICO , non-relative, is petitioner. Father: JESSE VINDIOLA Mother: CHRISTINA QUINONES – deceased. Paternal grandfather: Adrian Vindiola Maternal grandfather: Randy Vidal Maternal grandmother: Theresa Frayo Vidal. Petitioner states father has had full custody since 3/7/12. He has managed to provide for all her needs. Recently father was arrested and is currently in the Fresno County Jail. Petitioner states father contacted her and asked her to petition for guardianship. Copy of Notarized Letter from father dated 3/8/13 states he gave permission for his dearest friend Ruth Rico to care for Luv until further notice. No other person is to have her. She is not to go with Martina Vindiola or Paul Vindiola without permission of Ruth Rico. Court Investigator Jennifer Young's Report filed on 5/29/2013	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 5/8/2013.</u> As of 6/3/13 the following issues remain: 4. Need Notice of Hearing. 5. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: b. Jesse Vindiola (father) 6. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: d. Martina Vindola (paternal grandmother) e. Adrian Vindiola (paternal grandfather) f. Randy Vidal (maternal grandfather) g. Theresa Frayo-Vidal (maternal grandmother) 7. Confidential Guardian Screening form – question #3 states petitioner has been charged with, arrested for or convicted of crime deemed to be a misdemeanor or felony without giving an explanation. 8. Confidential Guardian Screening form – question #9 was not answered – have you, or has any other person living in your home, habitually used any illegal substances or abused alcohol.
Cont. from 050813			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 6/3/13
Updates:
Recommendation:
File 12B – Vindiola

Atty Vindiola, Martina R. (pro per Competing Petitioner/paternal grandmother)

Atty Rico, Ruth A. (pro per Competing Petitioner/non relative)

Atty Frayo-Vidal, Theresa (pro per Petitioner/maternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 9 years		<p><u>TEMPORARY (granted to competing Petitioner Martina Vindiola) EXPIRES ON</u></p> <p><u>6/5/2013</u></p> <p>THERESA FRAYO VIDAL, maternal grandmother, is petitioner.</p> <p>Father: JESSE VINDIOLA</p> <p>Mother: CHRISTINA QUINONES – deceased.</p> <p>Paternal grandfather: Adrian Vindiola Paternal grandmother: Martina Vindiola Maternal grandfather: Randy Vidal</p> <p>Petitioner states her granddaughter wants to be with her and her brother. Petitioner states she can provide a stable loving environment for her.</p> <p>Court Investigator Jennifer Young's Report filed on 5/29/2013</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>9. Need Notice of Hearing.</p> <p>10. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: c. Jesse Vindiola (father)</p> <p>11. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: h. Martina Vindola (paternal grandmother) i. Adrian Vindiola (paternal grandfather) j. Randy Vidal (maternal grandfather)</p> <p>12. Confidential Guardian Screening form – question #3 states petitioner has been charged with, arrested for or convicted of crime deemed to be a misdemeanor or felony without giving an explanation.</p> <p>13. Confidential Guardian Screening form – question #6 was not answered re: Do you or does any other person living in your home, have a social worker, parole or probation office assigned to him or her?</p> <p>14. Confidential Guardian Screening form – question #10 states petitioner or another person living in the home has been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol without explaining.</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 6/3/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12C – Vindiola</p>		

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 6-5-05		ROSANNA SORIA , Spouse, is Petitioner. 40 days since DOD No other proceedings I&A: \$210,000.00 Will dated 4-9-93 devises the decedent's estate (personal property, residence, residue) to Petitioner. Petitioner requests Court determination that Decedent's 1/3 interest in real property located at 21415 E. Manning Ave., Reedley, passes to her pursuant to Decedent's will.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 3-27-13, 5-1-13</u> 1. Inventory and Appraisal filed 5-20-13 indicates the value of the estate is \$210,000.00. Therefore, this estate does not qualify for this type of summary proceeding under Probate Code §13150.
Cont. from 032713, 050113			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc Reviewed on: 5-31-13 Updates: Recommendation: File 13 - Soria

Pro Per Lindsey, Marjorie F. (Pro Per Petitioner, maternal grandmother)
 Pro Per Lindsey, Robert A. (Pro Per Petitioner, maternal step-grandfather)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 15 years		NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
		<p>MARJORIE F. LINDSEY and ROBERT A. LINDSEY, maternal grandmother and step-grandfather, are Petitioners.</p> <p>Father: JAMES PARKER</p> <p>Mother: TONIA B. TIMBERLAKE; personally served 5/8/2013.</p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown</p> <p>Maternal grandfather: Harry Timberlake; personally served 5/8/2013.</p> <p>Petitioners state they have been caring for and supporting the child full-time since the 7th grade, and he is now a sophomore in high school. Petitioners state the child requested that they be his legal guardians, prompting them to seek guardianship.</p> <p>Court Investigator Julie Negrete's Report was filed on 5/29/2013 and recommends the petition for guardianship be GRANTED.</p>		<p>1. Declaration of Due Diligence filed 4/4/2013 by Petitioners states the father is unknown and is not on the child's birth certificate. CI Report filed 5/29/2013 indicates James Parker is the father of the child, as reported by the child's mother. Need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> James Parker, father. <p>2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> Paternal grandparents. <p>~Please see additional page~</p>	
Cont. from					
Aff.Sub.Wit.					
✓ Verified					
Inventory					
PTC					
Not.Cred.					
✓ Notice of Hrg					
Aff.Mail	X				
Aff.Pub.					
Sp.Ntc.					
✓ Pers.Serv.	W/				
✓ Conf. Screen					
Aff. Posting					
✓ Duties/Supp					
Objections					
Video Receipt					
✓ CI Report					
✓ Clearances					
✓ Order					
Letters					
Status Rpt					
✓ UCCJEA					
Citation					
FTB Notice					
		Reviewed by: LEG			
		Reviewed on: 5/31/13			
		Updates:			
		Recommendation:			
		File 14 – Timberlake			

NEEDS/PROBLEMS/COMMENTS, continued:

3. CI Report filed 5/29/2013 indicates the mother reports that her great-great-grandfather was Red Foot American Indian, and that on 5/20/2013, the Court Investigator sent an ICWA packet to the proposed guardians. Court records do not show the *Notice of Child Custody Proceeding* (Form ICWA-030) has been submitted by Petitioners to the Court for service as required. Need the *Notice of Child Custody Proceeding* (Form ICWA-030) to be completed by the Petitioners and submitted by them to the Probate Clerk for the Court to mail this form, together with copies of the petition and attachments, on the child's parents; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. A blank copy of the *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030) is in the file for Petitioners' use, and Petitioners should complete the form and return it to the Probate Clerk as soon as possible.

Note: CA Rule of Court 7.1015(c)(9) states if after a reasonable time following service of notice under the act—but in no event less than **60 days**—no determinative response to the *Notice of Child Custody Proceeding* (ICWA 030) is received, the Court may determine that the act does not apply to the proceeding unless further evidence of its applicability is later received.

Petition for Appointment of Temporary Guardianship of the Person

Jaden Age: 7		<p align="center"><u>GENERAL HEARING 07/02/2013</u></p> <p>DONALD ERICKSON, paternal step-grandfather, and TERESA ERICKSON, paternal grandmother are petitioners.</p> <p>Father: BRANDON MITCHELL JEWETT, personally served on 05/07/2013</p> <p>Mother: MARIA M. MARTINEZ, personally service on 05/07/2013</p> <p>Paternal Grandfather: Not Listed</p> <p>Maternal Grandparents: Unknown</p> <p>Petitioners state: the parents of the children are both known methamphetamine users and the father also abuses alcohol. Petitioners allege that the father was recently arrested for possession and being under the influence of an illegal substance and a hearing date was scheduled for 04/18/2013. The mother leaves the children unattended or in the custody of the maternal grandmother. Petitioners state that the home that the children reside in is extremely filthy, and when they pick the children up they stink. Two of the children have severe dental issues, one has a severe speech impediment and possibly a hearing disorder that the petitioners state the parents have neglected. The children have witnessed the parents fighting and have seen their father being arrested. Petitioners allege that the mother is receiving governmental assistance for the three children despite the fact that their father earns a very good living and provides financially for the children.</p> <p align="center"><u>Please see additional page</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 05/14/2013: Counsel advises the Court that she has the proof of personal service for mother, Maria Martinez. The Court orders Maria Martinez to be personally present on 06/05/2013. Maria Martinez is directed to file any objections she may have to the petition by the next hearing. Counsel is directed to cure the remaining defects noted on the Examiner notes.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. Note: Without the filing of the Notice of Hearing it is unclear if the Mother and Father were properly served. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waive of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Maria M. Martinez (Mother) Note: A proof of personal service was filed for the mother on 05/14/2013 however the mandatory Notice of Hearing does not appear to have been served pursuant to Probate Code §2250. 	
Tristin Age: 6				
Emily Age: 3				
Cont. from 051413				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
	Letters			x
	Duties/Supp			x
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Objection filed by Maria A. Martinez, mother, on 06/03/2013 states that the allegations made by the petitioner are false and she can provide the Court with documentation and information to verify that the allegations are false. The mother states that the petitioner is not acting out of the best interest of the children rather she believes she is doing this out of hate. The mother states that the petitioner, Teresa Erickson is slandering her family and defaming her character. The mother states that she has a clean record and has never had any legal problems, nor been arrested. The mother agrees with the petitioner regarding the home being an unhealthy environment but it was due to Brandon, the father, living there. The mother states that Brandon, the father, was physically, emotionally and verbally abusive to her due to his history with drugs and alcohol. Since the father is no longer living in the home the environment is safe, healthy, and loving. The mother asks the Court to allow her to respectfully tell her side of the story and provide the Court with documentation that shows and proves that she is a good mother and that she is fit and capable of raising and supporting her three children.

Needs/Problems/Comments (continued)

3. Order is incomplete. Need new order.
4. Letters were not signed or dated by the petitioners. Need new letters.
5. Need Duties and Liabilities.

Note: In regards to the Indian Child Inquiry the Petition states that the mother has refused to discuss her parentage and it is unknown as to whether or not the mother's parents are married and if they are from the United States or from Mexico. If it is discovered that the children have Native American ancestry the Notice of Child Custody Proceeding for Indian Child (Form ICWA-030), must be served together with copies of the petition and all attachments; on the child's parents, any Indian custodian; any Indian Tribe that may have a connection to the child; the Bureau of India Affairs, and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested.

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 14		TEMPORARY EXPIRES 06/05/2013		NEEDS/PROBLEMS/COMMENTS:	
		GENERAL HEARING 07/24/2013			
		JENNIFER RACHEL WHITE , maternal aunt, is petitioner.		1. Need Notice of Hearing.	
Cont. from		Father: PETER SPRAY		2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
	Aff.Sub.Wit.			<ul style="list-style-type: none"> Peter Spray (Father) 	
✓	Verified	Mother: MISTY C. GENTRY , consents and waives notice			
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	X	Paternal Grandfather: Peter Spray		
	Aff.Mail		Paternal Grandmother: Deceased		
	Aff.Pub.		Maternal Grandfather: Kennith Gentry, Deceased		
	Sp.Ntc.		Maternal Grandmother: Birdie Gay Gentry Smith, Deceased		
	Pers.Serv.	X			
✓	Conf. Screen		Minor, Vincent E. Gentry, consents and waives notice		
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt		Petitioner states: she is desperately seeking guardianship of her nephew because she is in jeopardy of losing her section 8 and aid if she does not have legal documentation stating she is his guardian. Petitioner states that the minor has been residing with her since 2012 at the request of his mother who is unable to provide housing, food or clothing for him. Petitioner alleges that the child's mother is currently homeless. Petitioner's housing voucher is only valid until 06/2013 and must seek housing before that date.		
	CI Report				
	9202				
✓	Order			Reviewed by: LV	
	Aff. Posting			Reviewed on: 05/31/2013	
	Status Rpt			Updates:	
✓	UCCJEA			Recommendation:	
	Citation			File 16 – Gentry	
	FTB Notice				

		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> Request for Dismissal filed 05/21/13</p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: JF
		Reviewed on: 05/30/13
		Updates:
		Recommendation:
		File 17 – Chrest

Atty

Kruthers, Heather H. (for Public Guardian – Petitioner)

Atty

Sanoian, Joanne (Court Appointed for Conservatee)

Petition for Appointment of Temporary Conservatorship of the Person and Estate

Age: 78		<u>TEMPORARY GRANTED EX PARTE;</u> <u>EXPIRES 06/05/13</u>		NEEDS/PROBLEMS/COMMENTS:	
				<u>Court Investigator advised rights on 05/28/13</u>	
		<u>GENERAL HEARING 07/03/13</u>			
		PUBLIC GUARDIAN , is Petitioner and requests appointment as Temporary Conservator of the Person with medical consent powers and Temporary Conservator of the Estate.		1. Need proof of personal service at least 5 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Conservator on Joyce Cannon, proposed conservatee.	
Cont. from		Estimated Value of the Estate:		2. Need proof of service by mail at least 5 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Conservator for:	
	Aff.Sub.Wit.		Personal property - \$ 61,019.09	- Brenda Sears (daughter)	
✓	Verified		Annual income - 44,508.00	- Mark Cannon (son)	
	Inventory		Total - \$105,527.09	- Dustin Cannon (grandson)	
	PTC			Note: Proof of service filed 05/30/13 does not indicate that a copy of the Petition was served along with the Notice of Hearing. Need proof of service for Notice of Hearing with a copy of the Temporary Petition.	
	Not.Cred.				
✓	Notice of Hrg		Capacity Declaration of Constantine Phiripes, M.D. supports request for medical consent powers.		
✓	Aff.Mail	w/o	Petitioner states the proposed conservatee currently lives independently in an apartment after her son and daughter moved her from her home (which is currently held in trust). Reportedly, Ms. Cannon's son now lives in the conservatee's home. Ms. Cannon's daughter supposedly looks in on her, but during the investigation, the daughter was on vacation for 3 weeks. Ms. Cannon was left alone during this time. She suffers from diabetes and needs reminders to take her medications. It is also reported that Ms. Cannon's daughter added her name to her mother's checking account that has overdraft to Ms. Cannon's savings. Reportedly, over \$130,000.00 has been withdrawn in a one year time period. Temporary conservatorship is the only means by which her safety can be assured and to protect her assets from being further depleted. Petitioner requests authority to move Ms. Cannon to an assisted living facility.		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
	Conf. Screen	n/a			
	Letters	x			
	Duties/Supp	n/a			
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
	Order	x			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice		Court Investigator Charlotte Bien filed a report on 05/29/13.	<div>Reviewed by: JF</div> <div>Reviewed on: 05/31/13</div> <div>Updates: 06/03/13</div> <div>Recommendation:</div> <div>File 18 – Cannon</div>	

Motion to Terminate Authority of Agent for Health Care

Age: 85		MICHAEL H. SMITH, SR., son is Petitioner. Petitioner states: 1. The Public Guardian was appointed as Conservator of the Person and Estate, however, the conservatee's grandson, Michael H. Smith, Jr. ("Butch"), retains the authority to make all medical decisions for the conservatee pursuant to an advance health care directive signed by the conservatee on 06/17/11. 2. The conservatee has been adjudged to lack the capacity to give informed consent to medical treatment. 3. Petitioner seeks the termination of Butch's authority as agent for health care under the advance health care directive on the ground that Butch has failed to perform and is unfit to perform the duties required of him under the advance health care directive and is acting in a manner that is clearly contrary to the conservatee's best interest. 4. Under the direction of the Public Guardian, health care workers are present in the conservatee's home from 11am to 7pm daily. Butch and his mother, Robin Kent, provide care for the balance of each day/night. 5. Butch clarified his authority to make all medical decisions for conservatee via a motion brought by conservatee, through his attorney, to clarify the Court's previous order appointing the Public Guardian as Conservator of the person and estate. At the hearing on 03/11/13, the Court specifically instructed Butch that he was to take sole responsibility for all aspects of conservatee's health care, including ensuring that he was scheduled for and transported to all necessary doctor visits and that is medications were administered as directed by his physicians. Butch was also instructed to coordinate and cooperate with the staff caring for the conservatee. Continued on Page 2	NEEDS/PROBLEMS/COMMENTS: 1. Need Order.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			x
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: JF Reviewed on: 06/04/13 Updates: Recommendation: File 19 – Smith		

6. While the Probate Code gives an agent selected under an advance health care directive priority over others, including a conservator, to make health care decisions, it is also possible to terminate such agent's authority when necessary. Probate Code § 4766(d) provides that a petition may be filed seeking an order declaring that the authority of an agent is terminated where the Court determines both of the following:
 - (1) The agent...has violated, has failed to perform, or is unfit to perform, the duty under an advance health care directive to act consistent with the patient's desires or, where the patient's desires are unknown or unclear, is acting (by action or inaction) in a manner which is clearly contrary to the patient's best interest.
 - (2) At the time of the determination by the court, the patient lacks capacity to execute or revoke an Advance Health Care Directive...
7. Starting immediately after the hearing on 03/11/13, Butch initiated a program whereby he kept personal control of all of the conservatee's medications, despite the fact that he is frequently not at the conservatee's home between the hours of 11:00am and 7:00pm and the fact that the conservatee requires the administration of medication during these hours. Butch refuses to leave any of conservatee's medications in the house or allow the staff hired to care for the conservatee to administer any medication during their shift. Specifically, the conservatee is scheduled to take medication in the morning, at 2:00pm at 7:00pm and at bedtime. Butch frequently leaves the home before the conservatee wakes up in the morning and often does not return during the day to administer the medications for the morning or the afternoon. It is unclear whether Butch is administering the 7:00pm or evening dose as directed by the conservatee's physician. Butch has also been discovered to have administered medication to conservatee that was prescribed to Butch himself.
8. Butch also refuses to keep the staff or the conservator informed about the conservatee's medical appointments. Instead he will simply show up and take the conservatee out of the house with no warning and no information about where he is going. He has also provided incorrect information to staff and the conservator about prescriptions and dosing of medications. He appears to confuse which of conservatee's doctors provide the various parts of conservatee's care and confuses appointments on occasion. It has been necessary for the Public Guardian to contact conservatee's doctors directly to confirm dates and times of appointments to ensure that the staff has the conservatee ready to go when it is time for Butch to take him to a doctor's appointment and to maintain some information about the directions conservatee's various doctors have given for his care, including medication dosing.
9. Butch has unilaterally decided to stop giving conservatee some of the medications prescribed for him, especially Risperidone, during the day. This medication is intended to treat conservatee's anxiety and is especially important in controlling his dementia symptoms later in the day. Without it, conservatee becomes increasingly agitated and combative in the afternoons. It is often difficult to control him and the staff is forced to staff his care with men only. In contrast, conservatee's anxiety and conduct were fairly well controlled when he was taking Risperidone throughout the day as prescribed by his physician.
10. Conservatee's overall health and well-being appear to have deteriorated significantly since Butch was given control over his medical care. Prior to Butch's control, conservatee's medications were consistently given as prescribed during the staff's working hours, his sleep was better regulated, and his dementia and anxiety symptoms were better controlled. Now his symptoms are poorly controlled and staff is concerned that his heart medication is also not being administered as directed.

Continued on Page 3

11. Petitioner believes that Butch has failed to perform or is unfit to perform his duties under the advance health care directive, and that Butch is acting in a manner that is clearly contrary to the conservatee's best interests.
12. This Court has previously determined that the conservatee has dementia and lacks capacity to give informed consent for any form of medical procedure or health care issue. Petitioner submits that, therefore, conservatee lacks the capacity to execute or revoke an advance health care directive or to disqualify a surrogate.

Petitioner prays for an Order:

1. Terminating Butch's authority to make medical decisions for conservatee pursuant to the advance health care directive signed by conservatee on 06/17/11;
2. Confirming its earlier finding that the conservatee lacks capacity to give informed medical consent for any purpose;
3. Appointing the Public Guardian, the Conservator of the Person and Estate, as the party with authority to make all medical decisions for conservatee, including, but not limited to, scheduling and attending medical appointments, reporting symptoms to conservatee's physicians, and directing the administration of medications per the conservatee's physician's orders; and
4. Such other and further relief as the Court deems necessary and proper.

Declaration of Deputy Public Guardian Youa Her in Support of Petition to Terminate Authority of Agent for Health Care in Favor of Conservator filed 05/24/13 states: during the first weeks of the conservatorship, the Public Guardian supervised and attended medical appointments, the administration of medication, and all necessary follow-up care pursuant to doctors' instructions. Throughout this time period, there were regular and sometimes serious problems with Butch interfering with the provisions of necessary medical care for the conservatee. Butch and Robin provided inaccurate information to conservatee's various physicians, were frequently confused about appointments, medication dosages and timing of dosages. On at least one occasion, Butch administered medication not prescribed for the conservatee. Declarant further states that she is informed that Butch refuses to administer certain medications prescribed for the conservatee to address is mounting anxiety and agitation and that the conservatee's medical condition is deteriorating as a result. Shortly after the Public Guardian was appointed conservator, the conservatee required a procedure to clear his arteries. There were numerous doctor's involved and it was clear to the declarant that Butch did not understand the role that each doctor played or care each would provide. He confused the doctors, their roles, and confused appointments. It became necessary for the declarant to confirm all appointments, and to make arrangements for the care staff (Anjaleoni Enterprises) to take the conservatee to those appointments to ensure that everything was done as it should be.

Declarant further states that she is aware that Butch and Robin made very different reports to Anjaleoni staff regarding the conservatee's sleep and well-being at night. While they reported to the staff that the conservatee generally did well at night, they reported to Dr. Sheriffs in mid-February that the conservatee got up frequently during the night. Declarant is also aware of an incident in which Butch administered an inhaler to the conservatee that was not prescribed for the conservatee. Staff followed up and obtained an appropriate prescription for the conservatee to have his own inhaler. Apparently, it did not occur to Butch that he should not give the conservatee medication which was prescribed for another person or that he should address the issue with the conservatee's physician.

Continued on Page 3

On 03/11/13m Butch clarified his authority to make medical decisions for the conservatee. At the hearing, the Court made clear that Butch was henceforward to take sole responsibility for all aspects of conservatee's health care, including ensuring that he was scheduled for and transported to all necessary doctor visits and that his medications were given as directed by his physicians. Butch was also instructed to coordinate and cooperate with the staff that assists the conservatee from 11am – 7pm.

Declarant states that on 03/02/13, Butch took conservatee's medications from the house and informed Susan from Anjaleoni that he intended to maintain custody of all the medications himself and manage administration of said medications. Conservatee requires medication in the morning, at 2:00 pm, at 7:00 pm and at bedtime. The Anjaleoni caregivers had previously been giving the daytime doses with the occasional exception of the morning dose. If the conservatee woke up before 11 am, Robin or Butch would give the morning dose prior to leaving the house. Declarant states that she tried calling Butch about the issue, but had to leave a voice message. Declarant indicated in her message that Butch could not take the conservatee's medications out of the conservatee's home, despite having the advance health care directive. She further instructed him that he could not prevent the Anjaleoni staff from giving the conservatee his prescribed medications during the day unless he made arrangements to do so himself. She requested that the medications be returned to the house immediately; however, Butch continues to maintain custody of the medications and insists on administering them himself. Conservatee is often not awake when Butch leaves the house in the morning and Butch is often late or does not appear for the mid-day dose. It is unclear whether the conservatee is given the early evening or bedtime dose.

Declarant states that on 03/25/13, Butch informed Susan from Anjaleoni that the conservatee no longer needs to take Risperidone, which was prescribed by the conservatee's primary care physician, Dr. Sheriffs for agitation/anxiety. At the same time, she was informed that the conservatee regularly displays increased anxiety and agitation during the daytime hours. Butch appears to discount conservatee's increasing anxiety and the incidents of violence and does not seem to understand that conservatee's physician prescribed the Risperidone in order to control the conservatee's symptoms and that failure to administer the medication as prescribed is contrary to the conservatee's best interests. Declarant states that the conservatee has attempted to attack female care givers and has had to be restrained. Declarant is informed that the conservatee's actions on both occasions is reminiscent of violence he previously displayed on his now deceased wife and that he appears to have confused the caregivers with his memory of his wife. Declarant further states that she is aware that the conservatee threatened Michael Smith's (petitioner's) wife in a similar fashion on a recent dinner outing. All of these incidents have occurred since the conservatee's Risperidone dosage was reduced and two of them have occurred since Butch determined to stop giving the medication altogether. The conservatee has become much less cooperative with the caregivers since the Risperidone has been stopped.

Declarant states that Butch is now refusing to inform the Anjaleoni staff when the conservatee has doctor's appointments and instead simply comes and picks up the conservatee and refuses to state where he is taking the conservatee and why. This makes it difficult for the caregivers to ensure that the conservatee is ready to go when an appointment is scheduled. Declarant has had to contact the conservatee's doctor's herself and provide appointment information to the Anjaleoni staff.

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Declarant further states that Butch and Robin have moved into the conservatee's home. It is Declarant's opinion that the conservatee's overall well-being has deteriorated since Butch became solely responsible for his medical care. Butch is unwilling or unable to manage conservatee's care properly, either because he does not have a complete grasp of the nature of the care conservatee requires or because he fails or refuses to take proper and full responsibility for all aspects of necessary care. In either case, the conservatee's health is suffering because of it. Declarant is concerned that it may become necessary to remove the conservatee from his home and place him in an assisted living facility. There are concerns about exposing female caregivers to potential violence against them by the conservatee. The conservatee has also been unwilling to cooperate with male caregivers. It is possible that, if this situation continues to deteriorate, it will no longer be possible to care for the conservatee safely in his home.

Declaration of Sundari Susan Kendakur in Support of Petition to Terminate Authority of Agent for Health Care filed 05/24/13 states: She is the Executive Director & Administrator of Anjaleoni Enterprises, which has been contracted to provide in home care for the conservatee from 11:00 am – 7:00pm. Conservatee's grandson Butch and Butch's mother Robin, provide the care to the conservatee for the balance of each day. Anjaleoni staff attempts to coordinate daily activities and the administration of medication with Butch and Robin and the staff relies on reports from them to understand how the conservatee is doing during the hours when staff is not in the home. Initially, they took direction regarding medical care for the conservatee from the Public Guardian, because the conservatee lacks capacity and her staff took conservatee to his medical appointments, usually with Butch and sometimes Robin in attendance as well. Anjaleoni staff handled the administration of medication all necessary follow-up care during the hours they were with the conservatee pursuant to doctors' instructions. During this time, there were regular and sometimes serious concerns with Butch confusing the directions or medications for conservatee by his physicians, confusing which doctors provided what type of care and why and even interfering with the provisions of necessary medical care for the conservatee. On the very first day they began providing care, they discovered that Butch was administering an inhaler to the conservatee that had been prescribed for Butch. They contacted conservatee's primary care physician and obtained a prescription for the conservatee. They have attempted to ensure that the conservatee is only given medications that are specifically prescribed for him, according to the dosing instructions given by the physician for that medication and have attempted to ensure that all medications are given as prescribed.

On 01/29/13, Butch informed Anjaleoni that conservatee's physician changed his albuterol (inhaler) dosing. They asked Butch which doctor had given that order for documentation purposes and he stated it was Dr. Fong. Dr. Fong is a surgeon who performed a cardiac procedure on conservatee in mid-February and was not involved in prescribing the albuterol. Declarant contacted the Public Guardian to confirm the change since she had attended the appointment. It turned out Dr. Fong had given specific instructions for another medication, but nothing was discussed about the albuterol.

On 02/08/13, Butch informed Anjaleoni that conservatee had a pre-op appointment the following Monday with Dr. Sheriffs, his primary care physician. This didn't make sense because Dr. Sheriffs was not involved in the upcoming surgery. Declarant contacted the Public Guardian and confirmed that the pre-op appointment was with Dr. Boran, conservatee's cardiologist, not Dr. Sheriffs as Butch had stated. Declarant confirmed that conservatee had a separate appointment scheduled with Dr. Sheriffs the same day that had nothing to do with the surgery. Had they relied on the information provided by Butch, conservatee would have missed his scheduled appointment with Dr. Sheriffs that day and would have gone to the wrong office potentially missing his pre-op appointment with Dr. Boran and possibly delaying an urgent surgical procedure.

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On 02/11/13, Butch relayed different facts to Dr. Sheriffs than he had been relaying to the care staff who he had previously told that the conservatee was sleeping well at night. At the appointment with Dr. Sheriffs he reported that conservatee was up as many as 7 times during the night. Over the course of this time, Declarant states that she and the Anjaleoni staff have been unable to rely on Butch or Robin to provide accurate information on conservatee's condition or activities while he is under their care, making it much more difficult for them to provide appropriate care for him during the hours they are caring for conservatee.

On 03/06/11, Anjaleoni staff member Ruby Watson accompanied conservatee to an appointment with Dr. Sheriffs. Butch and Robin were also present. Butch described symptoms to Dr. Sheriffs and based on Butch's information Dr. Sheriffs reduced conservatee's regular dose of Risperidone from two tablets to one. Later that evening, Butch contacted Declarant to inquire as to why the conservatee was only taking one Risperidone now instead of two. He had forgotten about Dr. Sheriffs reducing the dosage based on Butch's account of conservatee's symptoms. At a subsequent visit with Dr. Sheriffs it was determined that a second tablet of Risperidone could be given if conservatee was agitated or anxious and the first tablet did not allay his symptoms.

On 03/11/11, Butch obtained authority to make medical decisions for the conservatee and was specifically instructed by the Court that he was to take sole responsibility for all aspects of conservatee's health care, including ensuring that he attended all scheduled appointments and medications were administered as prescribed. Butch was also told to coordinate and cooperate with the Anjaleoni staff.

On 03/20/13, Butch took possession of all of conservatee's medications and made them unavailable to the Anjaleoni staff thereby restricting the staff from being able to give conservatee his medications at the prescribed times. Declarant contacted Butch about this situation and he stated that the medications were at the house. However, the staff searched the house and was unable to locate the medication. In a second call, Butch informed Declarant that he was handling the medications and there was no medication prescribed for the daytime. Declarant inquired about the afternoon dose of Risperidone and Butch stated that there was no need to take medication in the afternoon. Declarant has sought the assistance of the Public Guardian in this matter, but Butch continues to maintain possession of the conservatee's medications.

On 03/25/13, Butch informed Declarant that conservatee no longer needed to take the Risperidone. Although it was prescribed by Dr. Sheriffs. It is Declarant's understanding that Butch continues to give the conservatee Risperidone at night, but maintains that daytime doses are unnecessary. The conservatee exhibits "sundowners" symptoms in which his agitation and anxiety become more prevalent toward the end of the afternoon. Using Risperidone during the day when needed was keeping these symptoms relatively well controlled. However, since Butch decided to stop the daytime dosing, conservatee exhibits anxiety and agitation on a daily basis, especially in the late afternoon and early evening. He also exhibits fairly serious episodes of combativeness and bouts of violence toward staff on a regular basis and on occasion toward Robin. These symptoms were not present when Anjaleoni initially started caring for conservatee, during the time when his medication was administered routinely as prescribed.

Further, Butch currently keeps all medication information to him, including information about appointments and their outcomes. Butch will come to take the conservatee to an appointment without any notice and it is difficult to ensure that he is ready to leave the house.

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Declarant is also concerned that conservatee's sleep schedule and his medication schedule have been skewed to his detriment, especially given his susceptibility to Sundowner symptoms. Declarant is informed that conservatee often stays up very late and the time he wakes up is erratic. There are days when staff arrives to find the conservatee up and seated in his favorite chair having already eaten his breakfast and taken his morning medication. Some days they arrive to find conservatee still in bed and sleeping. Other days he is in bed but awake and no one has helped him out of bed. He is usually still in his pajamas when staff arrives. Typically, morning medication would be given much earlier than 11am, but this is not possible due to conservatee's sleep schedule. Declarant is concerned that he is not receiving proper dosing of medications associated with his cardiac condition based at least in part on his skewed sleep schedule.

Conservatee's son Mike and his wife Lisa visit with conservatee twice a week, often taking him out for a meal. Staff has observed a pattern of behavior on days when the visits are scheduled where Butch has conversations with the conservatee. Following those conversations, conservatee will exhibit agitation about the impending visit with Mike and Lisa. It has become necessary for staff to request that Butch leave the house before each visit to allow them to calm the conservatee down and get him ready for the visit. At the conclusion of most of these visits, it is clear that conservatee enjoyed himself during the visit and usually asks whether Mike and Lisa will come back to visit again soon.

Declarant states that it is her opinion that conservatee's overall well-being has deteriorated since Butch became solely responsible for his medical care. Butch is unable or unwilling to manage that care properly, either because he does not have a complete grasp of the nature of the care conservatee requires, because he fails or refuses to take proper and full responsibility for all aspects of necessary care, or because he simply disagrees with conservatee's doctors and refuses to follow their medical advice and/or direction. Whatever the case, conservatee's health is suffering as a result. Additionally, Declarant and her staff are unable to provide full and appropriate care to conservatee because Butch refuses to keep them informed of his physician's orders and refuses access to provide care appropriately.

Declarant states that she has observed and it has been reported to her that Butch and Robin are living in the conservatee's home and have their personal possessions in the home. Robin stays at the home every night and Butch stays there most nights. Additionally, Robin's husband is present at the home on many occasions when staff arrives in the morning and Butch's son is present at the home on many weekends.

Declaration of Mike (Butch) Smith, Jr. in Opposition to Motion to Terminate Authority of Agent for Healthcare filed 05/31/13 states: This dispute stems from issues concerning visitation of conservatee. Declarant states that he and his father (petitioner, Michael Smith) have had disagreements in the past regarding visitation, however, they have entered into a stipulation concerning visitation.

Within minutes after returning home from the court hearing appointing the Public Guardian as conservator, Declarant was contacted at conservatee's house by a member of the Public Guardian's staff and a daytime caregiver. Declarant and his mother, Robin, were informed that they could not be at the home between 11am and 7pm. Declarant states that the office for his business is located in the house and he was subsequently allowed to enter the house during daytime hours for business purposes.

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The daytime caregivers do not bathe or dress conservatee. Declarant and his mother take care of those essential needs. He often will not eat the lunch they prepare for him because they don't make him what he likes. To keep his mind active, Declarant often takes conservatee with him when he goes out for certain business functions and to visit family and friends. Declarant enjoys the conservatee's company.

Petitioner's allegation that Declarant refuses to leave conservatee's medications in the house or allow Anjaleoni staff to administer any medications is a gross distortion of the facts. Declarant states that he leaves conservatee's inhaler, which is the only necessary daytime medication. The other medications are administered by Robin and Declarant as prescribed in the morning and the evening. Petitioner's allegation that medication is to be administered at 2pm and 7pm is not correct. The main drug at issue is Risperidone which is prescribed to treat sundowner's symptoms. Declarant states that he has been informed by conservatee's doctor that Risperidone is very potent and carries the risk of certain adverse side effects, including, paradoxically, an increase in agitation. At the end of February 2013 conservatee started to exhibit tremors, which he never had before. In mid-March 2013, Declarant learned that the staff was administering Risperidone to conservatee in the afternoon. However, the staff did not leave the log book or notify either himself or Robin of any changes in conservatee's medication. Declarant states that he was concerned that the increased dosage in Risperidone contributed to the tremors. Conservatee's physician told Declarant that even one Risperidone carries the risk of inducing tremors. In March 2013, the staff obtained an additional prescription for Risperidone from a second doctor, thus two different doctors were writing prescriptions for Risperidone for the conservatee and Declarant was extremely concerned about this.

Declarant states that the allegation that he is sometimes not present at the home when the caregivers arrive is false. He states that he is always present when the caregivers arrive and he administers the daytime medications before he leaves. There are no afternoon medications to administer and he gives the conservatee his evening medication when he returns in the evening.

Declarant states that Petitioner's allegation that he administered his own inhaler to conservatee is not accurate. Declarant states that he and the conservatee have a prescription for the same inhaler (Albuterol Sulfate). He has no knowledge of conservatee using his inhaler, but if he did, it's inconsequential because it is the same medication that's prescribed for the conservatee.

Declarant states that the allegation that refuses to keep the Anjaleoni staff or conservator informed of conservatee's appointments is not correct. He states that he provides 24 hour advance notice to the daytime staff. Further, you never know what conservatee will be doing from one day to the next, sometimes he will make plans to go somewhere and sometimes he changes his mind. Declarant states that he never forces conservatee to come with him.

Declarant states that he has not provided incorrect information to staff and the conservator about prescriptions and dosing of medications. Further, he did not unilaterally decide to stop giving the conservatee some of his prescribed medications, especially Risperidone, during the day. Declarant states that the daytime staff obtained a second prescription for Risperidone from a second doctor. The benefits provided by Risperidone are often evaluated in subjective terms, balancing the agitation against the side effects, including tremors. Declarant does not want a situation where conservatee is turned into a Zombie because of excessive medication for agitation.

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The allegation that conservatee's overall health and well-being appear to have deteriorated significantly since Declarant was given control over his medical care is a damn lie. Declarant states that throughout this entire period, his focus has been on conservatee's care. Conservatee was always proud and independent. Declarant and his mother work every day to allow conservatee to continue to live as independently as possible, in his own home, with regular social contact with family and friends. If Petitioner had his way, conservatee would be shut away in an old folk's home. Conservatee, who served in the Pacific theater as a Marine during WWII and who was a farmer and rancher his whole life would never want to be shut away.

Petitioner alleges that the staff is concerned that conservatee's heart medication is not being administered as directed. Declarant is not aware of "heart medication". He is prescribed and administered medications for cholesterol, high blood pressure, and Plavix.

Declarant states that it is and has always been his intention to treat conservatee with the dignity and respect he earned during a long, hard-working, and honorable life. He saw how his grandmother, Jean Smith, was treated when she was placed in a home after Petitioner and the Public Guardian were appointed as her conservator. He has a picture of her lying on the floor of the facility "so she wouldn't fall". Declarant brought her a mat and pillow for her basic comfort. Declarant vowed that conservatee would receive better treatment and have devoted years to caring for him as he aged.

Petitioner continues to use conservatee as a vehicle to engage in conflict with Declarant. Whatever the family disputes, conservatee's care rises above everything. Petitioner seems to have a different agenda, perhaps tied to his concerns about his prior financial dealings with the conservatee,